

United States District Court

for the

Eastern District of WashingtonFILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON**Oct 18, 2024**

SEAN F. McAVOY, CLERK

Petition for Warrant or Summons for Offender Under Supervision

Name of Offender: Duane Edward Martin Case Number: 0980 1:19CR02025-SAB-1

Address of Offender: [REDACTED] Yakima, Washington 98902

Name of Sentencing Judicial Officer: The Honorable Stanley A. Bastian, Chief U.S. District Judge

Date of Original Sentence: November 20, 2019

Original Offense: Felon in Possession of Firearm and Ammunition, 18 U.S.C. §§ 922(g)(1) and 942(a)(2)

Original Sentence: Prison - 33 months Type of Supervision: Supervised Release
TSR - 36 monthsRevocation Sentence: Prison - 4 months
(January 17, 2023) TSR - 32 month

Asst. U.S. Attorney: Benjamin D. Seal Date Supervision Commenced: April 20, 2023

Defense Attorney: Alex B. Hernandez, III Date Supervision Expires: December 19, 2025

PETITIONING THE COURT

To issue a summons.

On April 21, 2023, Mr. Martin reviewed and signed his judgment and sentence acknowledging his understanding of his supervised release conditions.

The probation officer believes that the offender has violated the following conditions of supervision:

<u>Violation Number</u>	<u>Nature of Noncompliance</u>
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1	<u>Mandatory Condition #1:</u> You must not commit another federal, state or local crime.
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Supporting Evidence: Duane Martin is considered to be in violation of his supervised release conditions by being charged with a new crime of Theft, in violation of the Revised Code of Washington (RCW) 9A.56.030, on August 8, 2024.

A summary of the Yakima Police Department (YPD) incident report 24Y029077, reflects that on August 8, 2024, Mr. Martin's business partner deposited a check into a joint checking account that Mr. Martin has access to. According to the bank, the check was written in the amount of \$1,200 but had been posted for \$12,000 into the joint checking account. The amount in the number line showed \$12,000 with what appeared to be an extra zero added; the check was clearly written out in the amount of "one thousand and two hundred" not twelve thousand dollars. The bank and YPD contacted the check maker and confirmed the check was supposed to be written for only \$1,200.

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After the altered check was deposited on August 8, 2024, there were two \$5,000 deposits from the joint checking account into Mr. Martin's account. On August 8, 2024, Mr. Martin completed a withdrawal for \$4,000 and on August 10, 2024, Mr. Martin completed a withdrawal of \$1,000. Also, Mr. Martin's business partner made numerous withdrawals from his account on August 10, 2024. After the bank corrected the altered check, the total amount the bank stood to lose was \$8,926.97.

On September 30, 2024, Mr. Martin was arrested by YPD at the federal court house and booked into the Yakima County Jail. Mr. Martin was released from the Yakima County Jail on October 1, 2024, after he made an initial appearance in Yakima County Superior Court. Mr. Martin's next court date is October 15, 2024, in Yakima County Superior Court, cause number 24-1-01483-39. He is being charged with first degree theft.

2 **Special Condition #5:** You shall abstain from the use of illegal controlled substances, and shall submit to urinalysis testing, as directed by the supervising probation officer, but no more than six tests per month, in order to confirm continued abstinence from these substances.

Supporting Evidence: Mr. Martin is considered to be in violation of his supervised release by consuming a controlled substance, fentanyl, on or about September 28, 2024.

On September 28, 2024, Mr. Martin reported to the Selah Police Department and met with the undersigned officer to provide a random drug test. The drug test was sent to Alere Toxicology Services to test for fentanyl. On October 10, 2024, probation received a drug test report showing positive results for the presence of fentanyl.

The U.S. Probation Office respectfully recommends the Court issue a summons requiring the defendant to appear to answer to the allegations contained in this petition.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on: October 15, 2024

s/Phil Casey

Phil Casey

U.S. Probation Officer

THE COURT ORDERS

- ☐ No Action
☐ The Issuance of a Warrant
☒ The Issuance of a Summons
☐ Other



Signature of Judicial Officer

10/18/2024

Date